



MEMO ENDORSED

HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

Dated: 12/30/24

The extension requested herein is
GRANTED. The Court hereby adopts the
parties' proposed schedule set forth
herein.

December 20, 2024
Via ECF

DLA Piper LLP (US)
500 Eighth Street, NW
Washington, DC 20004
www.dlapiper.com

Jane W. Wise
jane.wise@us.dlapiper.com
T 202.799.4149
F 202.863.7849

The Honorable Valerie Figueredo
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *International Code Council, Inc. v. UpCodes, Inc. et al. – Consolidated Case Nos. 1:17-cv-6261, 1:20-cv-04316, and 1:22-cv-10815*

Dear Magistrate Judge Figueredo:

The parties submit this joint letter motion concerning the discovery schedule in consolidated case No. 1:17-cv-6261. The parties jointly move to reset the scheduling order in the consolidated cases for good cause to allow time for the parties to continue to conduct discovery on the false advertising claims and the Second Copyright Case.

The parties need additional time to complete document production, supplement contention interrogatory responses, and conduct depositions based on the foregoing discovery. On September 6, 2024, Plaintiffs International Code Council, Inc. (“ICC”), filed a motion to compel Skidmore, Owings & Merrill LLP to comply with a Rule 45 Subpoena to Produce Documents, Information, or Objects or Permit Inspection of Premises in the above captioned proceeding.¹ ICC’s motion remains outstanding. Accordingly, the parties request an extension of the current discovery schedule to resolve the parties’ outstanding discovery disputes and complete all fact discovery (including third party discovery).

The parties have requested to reset the scheduling order five times previously, on March 22, 2021, July 24, 2023, October 26, 2023, March 20, 2024, and August 5, 2024 respectively. (Dkt. Nos. 115, 180, 186, 207, 210.) The Court granted each of the parties’ motions on March 22, 2021, July 26, 2023, October 30, 2023, March 26, 2024, and August 7, 2024 respectively. (Dkt. Nos. 116, 181, 187, 209, 211.)

¹ See *International Code Council, Inc., v. Skidmore, Owings & Merrill, LLP*, Case No. 1:24-mc-00412-JHR, Dkt. No. 1.



December 20, 2024

Page Two

Accordingly, the parties jointly move to reset the scheduling order in accordance with the proposed amended case schedule below for the consolidated cases for good cause to allow time for the parties to continue to conduct discovery.

Respectfully submitted,

A handwritten signature in black ink that reads "Jane W. Wise".

Jane W. Wise



December 20, 2024

Page Three

Event	Current Deadline	Proposed New Deadline	Days Before Trial (for Pretrial Submissions)
Close of Fact Discovery in False Advertising Case and Second Copyright Case	January 10, 2025	May 16, 2025	
Opening Expert Reports from Party Bearing Burden of Proof in False Advertising Case and Second Copyright Case	March 21, 2025	July 18, 2025	
Rebuttal Expert Reports in False Advertising Case and Second Copyright Case	May 9, 2025	August 29, 2025	
Close of Expert Discovery in False Advertising Case and Second Copyright Case	June 27, 2025	October 3, 2025	
Motions for Summary Judgment in False Advertising Case and Second Copyright Case	September 19, 2025	November 7, 2025	
Oppositions to Motions for Summary Judgment in False Advertising Case and Second Copyright Case	October 17, 2025	December 5, 2025	
Replies in Support of Motions Summary Judgment in False Advertising Case and Second Copyright Case	October 31, 2025	December 19, 2025	



December 20, 2024

Page Four

Event	Current Deadline	Proposed New Deadline	Days Before Trial (for Pretrial Submissions)
Parties to exchange <ul style="list-style-type: none"> * list of claims * contentions of fact * witness lists * exhibit lists * deposition designations * proposed jury instructions * proposed verdict forms 	April 17, 2026 or 60 days after a decision on all dispositive motions, whichever is later ²	No change	94 days before trial
Parties to exchange objections to <ul style="list-style-type: none"> * witness lists * exhibit lists * deposition designations * proposed jury instructions * proposed verdict form 	May 1, 2026	No change	80 days before trial
Parties to complete meet and confer regarding list of claims and contentions of fact, and objections to <ul style="list-style-type: none"> * witness list * exhibit list * deposition designations * proposed jury instructions * proposed verdict form 	May 11, 2026	No change	70 days before trial
Parties to Confer to Attempt to Agree on Stipulations of Fact and Admissibility	May 14, 2026	No change	67 days before trial

² If after, March 13, 2026, all subsequent dates will be pushed back to keep the same number of days before trial.



December 20, 2024

Page Five

Event	Current Deadline	Proposed New Deadline	Days Before Trial (for Pretrial Submissions)
Motions <i>in Limine</i>	May 20, 2026	No change	61 days before trial
Joint Pretrial Order	June 10, 2026	No change	40 days before trial
Each Party's Pretrial Memorandum with Brief Discussion of the Issues to Be Tried and Authorities Relied Upon	June 10, 2026	No change	40 days before trial
Joint Proposed Voir Dire	June 10, 2026	No change	40 days before trial
Joint Proposed Request to Charge	June 10, 2026	No change	40 days before trial
Joint List of Individuals, Companies and Other Entities that May Appear as Witnesses or Otherwise Be Referred to During Trial	June 10, 2026	No change	40 days before trial
Joint Proposed Verdict Form	June 10, 2026	No change	40 days before trial
Oppositions to Motions <i>in Limine</i>	June 10, 2026	No change	40 days before trial
Reply Briefs on Motions <i>in Limine</i>	June 26, 2026	No change	24 days before trial
Final Pretrial Conference	July 2, 2026	No change	18 days before trial
Requests to Bring Computers into Courthouse	July 9, 2026	No change	11 days before trial
Trial	July 20, 2026 (Estimated 20 days)	No change	